

Attorney Docket: 01066
U.S. Application No. 09/923,320 Examiner NGUYEN Art Unit 2154
Response to July 31, 2007 Office Action

REMARKS

In response to the Office Action dated July 31, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1, 3-11, 14-27, 30-37, 40-41, 48, 51-52, 54, and 58 are pending in this application. Claims 2, 12-13, 28-29, 38-39, 42-47, 49-50, 53, and 55-57 have been canceled without prejudice or disclaimer.

Objection to Claim 16

The Office objected to claim 16 for antecedent basis. The Assignee, however, sees no antecedent error in claim 16. If the Office continues to object to claim 16, the Office is respectfully requested to further identify the allegedly offending language.

Rejections under § 101

The Office rejected claims 30-41 under 35 U.S.C. § 101 for claiming non-statutory subject matter. The preamble of independent claim 30, however, has been amended to recite a *"system providing notification of an online interaction occurring on a global computer network, the system storing instructions for performing a method."* The Assignee thus respectfully asserts that independent claim 30, and thus dependent claims 31-37, fully complies with the patent laws.

The Assignee also respectfully asserts that independent claim 40 fully complies with the patent laws. Independent claim 40 utilizes means-plus-function language, as authorized by 35 U.S.C. § 112, paragraph six. The U.S. Patent Office permits computer-related inventions to be expressed using means-plus-function language. See DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2106 (II) (c) (8th Ed., Rev. 1, 2003). The Assignee thus respectfully asserts that independent claim 40, and thus dependent claim 41, fully complies with the patent laws.

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Rejections under § 103 (a)

The Office rejects claims 1, 3-13, 16-47, 51-54, and 58 under 35 U.S.C. § 103 (a) as allegedly being unpatentable over U.S. Patent 6,575,831 to Gonen, *et al.* in view of U.S. Patent Application Publication 2002/0032631 to Rose.

First, claims 12-13, 28-29, 38-39, 42-47, and 53 have been canceled, so the rejection of these claims is moot.

Second, claims 1, 3-11, 16-27, 30-37, 40-41, 51-52, and 54 cannot be obvious. These claims recite, or incorporate, features that are not taught or suggested by the proposed combination of *Gonen* and *Rose*. Independent claim 1, for example, recites “*when the total number of users exceeds the preset amount, then sending a caller identification message to the offline user*” (emphasis added). A response to the caller identification message is received “*using off-hook signaling*” (emphasis added). Support for such features may be found at least at paragraphs [0020] and [0062] of the as-filed application. Independent claim 1 also recites “*receiving a monitoring notification from an operator of the website, the monitoring notification informing of a particular user that has logged into the website, the monitoring notification identifying contact information for buddies in a buddy list who wish to be informed of the particular user's entry into the website, the monitoring notification comprising text to be delivered to the buddies in the buddy list*” (emphasis added). Support for such features may be found at least at paragraphs [0022], [0025], [0058], and [0059] of the as-filed application. Independent claim 1 also recites “*converting the text in the monitoring notification to an audible message*” and “*delivering the audible message to a telephone number of a buddy in the buddy list.*” Support for such features may be found at least at paragraph [0072] of the as-filed application. Independent claim 1 also recites “*receiving the buddy's response to the audible message via an interface to an interactive voice response unit.*” Support for such features may be found at least at paragraph [0073] of the as-filed application. Independent claim 1 also recites “*prefacing the response with an explanation of why the buddies will receive the buddy's*

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response. Support for such features may be found at least at paragraph [0075] of the as-filed application. Independent claim 1 also recites "*broadcasting the buddy's response to the buddies in the buddy list.*" Support for such features may be found at least at paragraph [0076] of the as-filed application. Independent claim 1 is reproduced below, and independent claims 20, 30, 40, 48, and 51 recite similar features.

1. A method of notification, comprising:

- monitoring a total number of users who log in to a website;
- comparing the total number of users to notification criteria of an offline user, the notification criteria specifying a preset amount of users that log in to the website;
- when the total number of users exceeds the preset amount, then sending a caller identification message to the offline user;
- receiving a response to the caller identification message using off-hook signaling;
- receiving a monitoring notification from an operator of the website, the monitoring notification informing of a particular user that has logged into the website, the monitoring notification identifying contact information for buddies in a buddy list who wish to be informed of the particular user's entry into the website, the monitoring notification comprising text to be delivered to the buddies in the buddy list;
- converting the text in the monitoring notification to an audible message;
- delivering the audible message to a telephone number of a buddy in the buddy list;
- receiving the buddy's response to the audible message via an interface to an interactive voice response unit;
- prefacing the response with an explanation of why the buddies will receive the buddy's response; and
- broadcasting the buddy's response to the buddies in the buddy list,

wherein the notification informs the buddy of activity in the website.

Gonen and *Rose* cannot obviate all these features. *Gonen* discloses a casino server that hosts gambling games. See U.S. Patent 6,575,831 to *Gonen, et al.* at column 10, lines 20-23. A player entering the "casino" chooses a game. *Id.* at column 11, lines 37-38. If no other users are

playing the same game, the user waits. *See id.* at column 11, lines 39-40. When another player selects the game, the user is notified. *See id.* at column 11, lines 43-45. The waiting user, instead, may be notified when a predetermined number of players enters the game. *See id.* at column 11, lines 44-47. *Rose* discloses "call-to-action messaging" in which alerts are sent when predetermined events are detected. U.S. Patent Application Publication 2002/0032631 to *Rose* at paragraph [0007]. A user, for example, may be informed by telephone of an auction high bid. *See id.* at paragraph [0009]. *See also id.* at paragraph [0005]. The user may thus be informed, for example, of when an out-bid occurs. *See id.* at paragraph [0022]. The computer sends a text message or voice message to the user, instructing the user to call a telephone number. *See id.* at paragraphs [0024] and [0025]. The user may issue voice commands, DTMF inputs, or text data to submit a new bid. *See id.* at paragraph [0026].

Still, though, *Gonen* and *Rose* cannot obviate independent claims 1, 20, 30, 40, 48, and 51. The proposed combination of *Gonen* and *Rose* fails to teach or suggest "*when the total number of users exceeds the preset amount, then sending a caller identification message to the offline user*" (emphasis added). A response to the caller identification message is received "*using off-hook signaling*" (emphasis added). The independent claims also recite "*receiving a monitoring notification from an operator of the website, the monitoring notification informing of a particular user that has logged into the website, the monitoring notification identifying contact information for buddies in a buddy list who wish to be informed of the particular user's entry into the website, the monitoring notification comprising text to be delivered to the buddies in the buddy list*" (emphasis added). The independent claims also recite "*converting the text in the monitoring notification to an audible message*" and "*delivering the audible message to a telephone number of a buddy in the buddy list.*" The independent claims also recite "*receiving the buddy's response to the audible message via an interface to an interactive voice response unit.*" The independent claims also recite "*prefacing the response with an explanation of why the buddies will receive the buddy's response.*" The independent claims also recite "*broadcasting the buddy's response to the buddies in the buddy list.*" The proposed combination of *Gonen* and *Rose* is, quite simply, silent to all these features.

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Claims 1, 3-11, 16-27, 30-37, 40-41, 51-52, and 54, then, cannot be obvious. Independent claims 1, 20, 30, 40, 48, and 51 recite many features that are not taught or suggested by *Gonen* and *Rose*. Their respective dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1, 3-11, 16-27, 30-37, 40-41, 51-52, and 54 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 14 & 15

The Office rejected claims 14 and 15 under 35 U.S.C. § 103 (a) as allegedly being unpatentable over *Gonen* in view of *Rose* and further in view of U.S. Patent 6,816,913 to *Liebenow*. Claims 14 and 15, however, depend from independent claim 1 and, thus incorporate all the same features. As the above paragraphs explained, *Gonen* and *Rose* do not teach or suggest all the features of independent claim 1. *Liebenow* does not cure these deficiencies. *Liebenow* discloses a system that notifies an offline user, perhaps via a pager, that an online user desires to interact. Still, though, the proposed combination of *Gonen*, *Rose*, and *Liebenow* does not teach or suggest many features recited by independent claim 1. Claims 14 and 15 incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 14 and 15 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claim 1

The Office also rejected claim 1 under 35 U.S.C. § 103 (a) as allegedly being unpatentable over *Gonen* in view of *Rose* and further in view of U.S. Patent 6,728,754 to *Lipton*.

Claim 1, however, cannot be obvious over the proposed combination of *Gonen*, *Rose*, and *Lipton*. As the above paragraphs explained, *Gonen* and *Rose* do not teach or suggest all the features of independent claim 1. *Lipton* does not cure these deficiencies. *Lipton* notifies the members of a group of the online status of a user. See U.S. Patent 6,728,754 to *Lipton* (April 27,

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2004) at column 1, lines 54-57. The notifications may be telephone calls. *See id.* at column 1, lines 38-40. Members may be notified of only a certain member's status. *See id.* at column 1, lines 46-48. Members may be notified by IVR prompts in the telephone call. *See id.* at column 1, lines 50-55. The group may be a "buddy list." *Id.* at column 2, lines 16-23.

Still, though, the proposed combination of *Gonen*, *Rose*, and *Lipton* does not teach or suggest many features recited by independent claim 1. *Gonen*, *Rose*, and *Lipton*, for example, do not teach or suggest "*when the total number of users exceeds the preset amount, then sending a caller identification message to the offline user*" (emphasis added). *Gonen*, *Rose*, and *Lipton* also fails to teach or suggest receiving a response to the caller identification message "*using off-hook signaling*" (emphasis added). *Gonen*, *Rose*, and *Lipton* also fails to teach or suggest "*prefacing the response with an explanation of why the buddies will receive the buddy's response.*" *Gonen*, *Rose*, and *Lipton* also fails to teach or suggest "*broadcasting the buddy's response to the buddies in the buddy list.*" One of ordinary skill in the art, then, would not think that independent claim 1 is obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of this claim.

Rejection of Claim 58

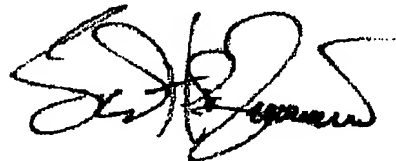
The Office also rejected claim 58 under 35 U.S.C. § 103 (a) as allegedly being unpatentable over *Gonen* in view of *Rose*. Independent claim 58, however, recites many features that are not taught or suggested by *Gonen* and *Rose*. Independent claim 58, for example, recites "*receiving an Internet Protocol call*" and "*determining that the call is unanswered.*" Support for such features may be found at least at paragraph [0029] of the as-filed application. Independent claim 58 also recites "*sending an offline notification that a caller is attempting to call the offline user through a global computer network.*" Support for such features may be found at least at paragraph [0029] of the as-filed application. Independent claim 58 also recites "*receiving a response from the offline user indicating whether or not the offline user will accept the call,*" "*reporting the response to the caller,*" "*receiving a logon request from the offline user,*" and "*receiving a request to accept the call from the caller.*" Support for such features may be found

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at least at paragraph [0030] of the as-filed application. The proposed combination of *Gonen* and *Rose* is, quite simply, silent to at least most of these features. One of ordinary skill in the art, then, would not think that independent claim 58 is obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of this claim.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman
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